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Department of State

TELEGRAM

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ORIGIN MCT-02

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DRAFTED BY M/CT: A C E QUANTON: PD  
APPROVED BY THE ACTING SECRETARY

L: MR. SCHWABEL

M: MR. READ

L/SFP: MR. FIELDS

L/CA: MR. DALTON

P: MR. NEWSOM

A/SY: MR. ACKERMAN

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FM SECSTATE WASHDC

TO ALL DIPLOMATIC POSTS PRIORITY

C O N F I D E N T I A L STATE 045016

E.O. 12065 GDS 2/22/85 (QUANTON, A.C.E.)

TAGS: ASEC, PINR

SUBJECT: HOST GOVERNMENT RESPONSIBILITIES IN HOSTAGE  
INCIDENTS

FOR CHIEFS OF MISSION FROM ACTING SECRETARY

1. (CONFIDENTIAL -- ENTIRE TEXT)

2. THE TRAGIC DEATH OF AMBASSADOR DUBS FOLLOWING A  
POLICE ASSAULT OVER WHICH WE HAD NO CONTROL HAS EMPHASIZED  
THE NEED FOR ALL GOVERNMENTS TO BE AWARE OF THE U.S.

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POSITION ON THE HANDLING OF HOSTAGE SITUATIONS

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INVOLVING AMERICAN DIPLOMATS AND OFFICIALS. WE RECOGNIZE AND RESPECT THE SOVEREIGNTY OF HOST GOVERNMENTS IN THESE DIFFICULT AND OFTEN EXCRUCIATING SITUATIONS. NONETHELESS, IT IS ESSENTIAL THAT HOST GOVERNMENTS CLEARLY-UNDERSTAND THAT THE U.S. GOVERNMENT WOULD HOPE THAT NO FORCIBLE OR PRECIPITOUS ACTION WILL BE TAKEN BY HOST AUTHORITIES IN SITUATIONS WHERE THE LIVES OF DIPLOMATIC OR OFFICIAL AMERICAN HOSTAGES ARE AT STAKE WITHOUT THE MAXIMUM PRIOR CONSULTATION PERMITTED BY THEIR LAW. WE, OF COURSE, LOOK TO HOST GOVERNMENTS TO DISCHARGE THEIR RESPONSIBILITY TO TAKE NECESSARY ACTION TO FREE HOSTAGES AND TO SEEK THE

APPREHENSION OF THOSE WHO VIOLATE APPLICABLE LAW, BUT AT THE SAME TIME WE CANNOT AGREE WITH ACTIONS TAKEN WITHOUT OUR KNOWLEDGE WHICH SERIOUSLY ENDANGER THE LIVES OF SUCH AMERICAN CITIZENS FOR WHOM HOST AND SENDING GOVERNMENTS SHARE CLEAR AND UNEQUIVOCAL RESPONSIBILITY. WE ARE PREPARED RECIPROCALLY TO CONSULT WITH FOREIGN GOVERNMENTS, WHENEVER POSSIBLE AND TO THE EXTENT ALLOWED BY LAW, ABOUT ANY ACTION WE WOULD CONTEMPLATE TAKING IF THEIR DIPLOMATS AND OFFICIALS IN THE UNITED STATES ARE TAKEN HOSTAGE. (FYI -- THE STATUS OF U.S. LAW PRECLUDES ANY UNQUALIFIED USG ASSURANCES OF PRIOR CONSULTATIONS. SECTION 10 OF P.L. 94-467 (ACT FOR THE PREVENTION AND PUNISHMENT OF CRIMES AGAINST INTERNATIONALLY PROTECTED PERSONS) DOES NOT PREEMPT THE APPLICATION OF STATE (INCLUDING D.C., PUERTO RICAN, GUAMANIAN) LAWS AND, THUS, FEDERAL LAW ENFORCEMENT IN THIS AREA IS NOT EXCLUSIVE. USG WILL, AS IT HAS, SEEK THE COOPERATION OF SUBORDINATE POLITICAL SUBDIVISIONS IN HANDLING OF HOSTAGE INCIDENTS

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INVOLVING DIPLOMATIC AND OFFICIAL FOREIGN NATIONALS, INCLUDING CONSULTATIONS WITH AFFECTED FOREIGN GOVERNMENTS BEFORE TAKING ACTIONS IN SUCH SITUATIONS. -- END FYI)

3. YOU SHOULD CONVEY OUR VIEWS ON THIS MATTER TO THE HIGHEST APPROPRIATE LEVEL OF THE HOST GOVERNMENT SUPPLEMENTING ANY ORAL APPROACH YOU MAKE WITH A DIPLOMATIC NOTE. YOU SHOULD MAKE EXPLICIT THE ASSUMPTION OF THE UNITED STATES GOVERNMENT THAT

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THE HOST GOVERNMENT WILL PROMPTLY CONSULT WITH US IN  
A HOSTAGE SITUATION INVOLVING OUR DIPLOMATIC AND  
OFFICIAL NATIONALS. EMBASSIES SHOULD REPORT HOST  
GOVERNMENT REACTIONS, COMMENTS, AND ANY LEGAL OBSTACLES  
CITED. CHRISTOPHER

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